THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.1864 OF 2006

Dt.1.2.2006

Between:

M.Janarthan Reddy … Petitioner

And

The Chairman and Managing Director,

CPDC of A.P.Ltd., (A.P. Transco), Hyderabad

And 2 others. … Respondents

ORDER:

Petitioner questions the notice issued by the 3rd respondent in OrderNo.SEA/HYD/F.No.NLG-718/SAH No.9998/D.No.2551, dated 31.12.2005 as illegal and arbitrary and contrary to the provisions of the Electricity Act, 2003 and further direct the respondents to pass final assessment orders by following the procedure laid down in Section 126 of the said Act.

The petitioner is having service connection No.491 falling under category of L.T Category-III, situate at Begumpet Village, Rajapet Mandal, Nalgonda District. It is stated an inspection was made in respect of petitioner's service connection on 9.8.2005 and provisional assessment order was issued estimating the value of the energy pilferage at Rs.2,79,201/- on the ground that the petitioner was indulging in pilferage of energy and accordingly disconnected the said service connection It is stated that the petitioner is asked to pay 50% of the said amount for restoration of power supply. It is stated that the petitioner has paid the sum of Rs.46,500/- and the

power supply was restored. A show cause notice has been served on the consumer raising the said demanded amount for payment, giving reasonable opportunity to the petitioner to make representation within 30 days and personal hearing was also provided to represent his case on 14.10.2005. It stated that the petitioner personally appeared before the 3rd respondent, but no written representation has been made. Therefore, basing on the records available the pilferage of energy was finally assessed at Rs.2,05,243/-. As against the said order, the petitioner filed an appeal on 25.1.2006, which was received by the 2nd respondent on 27.1.2006. But the same has not been disposed of so far. It is stated that the said appeal is filed within the prescribed time.

Heard the learned counsel for the petitioner as well as the learned Standing Counsel appearing on behalf of the respondents.

Having regard to the facts and circumstances of the case, without expressing any opinion on the merits of the case, the appellate authority is directed to consider and dispose of the appeal keeping in view of the provisions of Section 126 of the Electricity Act, 2003 as expeditiously as possible preferably within four weeks from the date of receipt of a copy of this order.

The writ petition is disposed of accordingly. No order as to costs.

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(V.ESWARAIAH, J.)

1.2.2006

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